

ORIGINAL

**Shainis & Heltzman**

Counselors at Law  
Suite 200  
2000 L Street, N.W.  
Washington, D.C. 20036

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Aaron P. Shainis  
Lee J. Heltzman

(202) 416-1633  
Fax (202) 416-1823

Of Counsel  
William H. BuRoss, III  
Matthew L. Leibowitz

July 7, 1994

RECEIVED

JUL - 7 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D. C. 20554

Re: MM Docket No. 93-71

Dear Mr. Caton:

Transmitted herewith, on behalf of Circle S Broadcasting Co., Inc., are an original and four (4) copies of its Opposition to Petition for Reconsideration in the above-identified proceeding.

Due to the amount of time that has elapsed since the filing of the Petition for Rulemaking, expedited action on this matter is respectfully requested.

Should any questions arise concerning this matter, please communicate with the undersigned.

Sincerely yours,

*Aaron P. Shainis*

Aaron P. Shainis  
Counsel for  
CIRCLE S BROADCASTING CO., INC.

Enclosure

cc: Ms. Nancy Joyner  
FCC - Room 8314

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Before The  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D. C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 93-71
Table of Allotments	)	
FM Broadcast Stations	)	
(Wickenburg, Arizona)	)	
To: Acting Chief		
Allocations Branch		

**OPPOSITION TO  
PETITION FOR RECONSIDERATION**

Circle S Broadcasting Co., Inc. ("Circle S" and/or "Petitioner"), by its attorney and pursuant to Section 1.429(f) of the Commission's rules, hereby submits its Opposition to the June 20, 1994, Petition for Reconsideration filed by the Vulture Peak Restoration Group ("Vulture Peak"). In support, the following is respectfully submitted.

1. Vulture Peak filed a Petition for Reconsideration of the Commission's Report and Order in the above-captioned proceeding, DA 94-473, released May 20, 1994. That Report and Order granted Circle S' Request for Rulemaking proposing the substitution of Channel 231C3 for Channel 229A at Wickenburg, Arizona, and modification of its authorization to specify operation on the higher powered channel. In opposition to the proposed rulemaking, Vulture Peak filed Comments directed to the environmental impact it believed would result from Petitioner's existing tower, as well as the presumed impact the proposed tower for Station KMEO(FM) would have on the economic and aesthetic values of the members of the group. Vulture Peak in its Comments urged that Petitioner's modification request be subject to the removal of existing 499' tower for

Station KTIM(AM) and its relocation to an area beyond an 11.6 mile radius of Wickenburg. Furthermore, Vulture Peak requested that Petitioner's modification proposal be subject to an environmental assessment showing that the proposed antenna to accommodate Channel 231C3 would be environmentally defensible. Vulture Peak also argued that the 6 kw operation of Station KMEO(FM) results in interference on Channels 8 and 9, and speculates that adoption of Petitioner's proposal would intensify that interference significantly.

2. Circle S, in responsive comments, stated that the request that the KTIM(AM) tower be dismantled as a prerequisite to approval of the rulemaking was inappropriate since the AM facility was operational. Circle S argued that the Commission did not have the jurisdiction to require Station KTIM(AM) to cease operating absent a demonstration that technical reasons would preclude operation of both the AM and the FM facilities. Moreover, Circle S pointed out that Vulture Peak's arguments concerning the environmental impact of the current operation of Station KTIM(AM) is also inappropriate since this authorization had been granted by the Commission in 1991. Furthermore, in response to Vulture Peak's request that Circle S be required to undertake an environmental assessment to demonstrate that its proposed tower for KMEO(FM) would be environmentally defensible, Circles S said any such concerns would be addressed in the application context. Moreover, with respect to FAA concerns, Circle S pointed out that the FAA had determined that its proposed tower of 843' would not constitute a hazard to air navigation. Finally, with respect to the argument that the proposed modified operation would exacerbate the degree of interference presently created on television Channels 8 and 9, Circle S pointed out the speculative nature of that argument and also stated that any potential interference resulting from its operation must be addressed by the affected licensee.

3. The Commission found that there was no valid objection to warrant a denial of Circle S' modification request. See Report and Order.

4. In its Petition for Reconsideration, Vulture Peak focuses solely on the "interference on television channels 8 and 9 caused by the current tower." It states the following:

Vulture Peak has recently obtained a letter from a communications engineering describing the nature and extent of the interference, which is further substantiated by two additional letters from television service personnel (copies attached). This information has not been available to Vulture Peak when it submitted its Comments or Addendum thereto.

Attached to Vulture Peak's submission is a letter from David J. Sien, dated May 19, 1994. In addition, attached are letters signed by James M. Mason, dated May 17, 1994, and Mike Pollay, dated May 10, 1994. Vulture Peak does not state why it could not have obtained these letters when it submitted its Comments or Addendum thereto. However, even if these letters had been submitted earlier, they are of no probative value. In this regard, the letters are in the nature of complaints. In this regard, the Commission should be aware that on November 24, 1993, Circle S responded to a Commission letter of September 23, 1993. The Commission letter concerned a complaint that KMEO(FM)'s operation causes interference to television reception in the city of Wickenburg. Circle S in its response clearly demonstrated that any interference received is not occasioned by the KMEO(FM) operation (Attachment A). Thus, the Petition for Reconsideration should be summarily denied.

5. The Commission is cognizant that the instant request for rulemaking was filed over two (2) years ago. Due to the present posture of the proceeding, it is respectfully urged that the Commission expeditiously rule on these matters so that Circle S may promptly file its FCC Form 301 application.

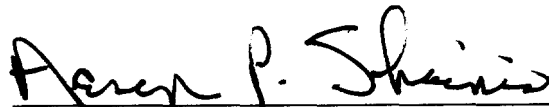
6. It should also be noted that attached to the instant submission is an article from a local Wickenburg newspaper which should give the Commission a sense of the harassment that Circle S has been undergoing (Attachment B). Clearly, expeditious resolution of this matter would be in the public interest.

7. Further, the Petition for Reconsideration should be summarily dismissed pursuant to Section 1.52 of the Commission's rules. In this regard, the Petition is signed by Mr. Allan C. Torgerson, "Coordinator." Since the pleading is not verified it should be dismissed. Since it is signed by a non-attorney, the Commission's rules require it to be verified. Absent verification, it should be dismissed. See Section 1.52 of the Commission's rules.

Respectfully submitted,

CIRCLE S BROADCASTING CO., INC.

By:



Aaron P. Shainis  
Its Attorney

SHAINIS & PELTZMAN  
Suite 200  
2000 L Street, N. W.  
Washington, D. C. 20036  
202/416-1633

July 7, 1994

## **ATTACHMENT A**

SHAINIS & PELTZMAN  
COUNSELORS AT LAW

SUITE 500  
1255 23RD STREET, N.W.  
WASHINGTON, D.C. 20037

202-857-2946

KMEO  
**STAMP & RETURN**

AARON P. SHAINIS  
202-857-2942

LEE J. PELTZMAN  
202-857-2943

November 23, 1993

RECEIVED

FACSIMILE  
202-857-2900

NOV 24 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D. C. 20554

Re: KME0(FM)  
Wickenburg, Arizona  
Circle S Broadcasting Co., Inc.  
BLH-920922KC  
1800B3-DJF

Dear Mr. Williams:

Circle S Broadcasting Co., Inc., by its attorneys respectfully responds to your letter of September 23, 1993 (Attachment A). In this regard, it should be noted that representatives of Circle S Broadcasting Co., Inc., on September 30, 1993, met with Mr. Werner Kolb, the complainant (Attachment B). The meeting took place at approximately 10:00 a.m. During the course of that meeting, KME0 was taken off the air in order to demonstrate that it was not causing poor reception to Mr. Kolb's television. The station representatives called the station and plugged in a radio which they had brought with them to demonstrate that the station was being taken off the air and the reception on Mr. Kolb's television remained unaffected when KME0 ceased broadcasting. In this regard, Channel 3 on Mr. Kolb's television was good, and Channels 10 and 12 had shadowing. It should also be pointed out that the declarants state that Mr. Kolb's residence is at least 50 miles from the TV transmitters. Moreover, his house is situated approximately two (2) miles from the KME0 tower.

Attached to the instant submission (Attachment C) is documentation demonstrating the FM blanketing interference and the complainant's location. The documentation clearly indicates that Mr. Kolb's problems are not occasioned in any way by Station KME0.

Also, attached to the instant letter is an article (Attachment E) from a very limited circulation Wickenburg newspaper, the Tri-County Star. However, the Commission can see how

## SHAINIS & PELTZMAN

Mr. Dennis Williams

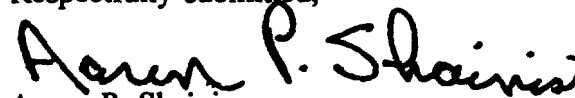
November 22, 1993

Page two

a campaign is being waged by a small segment of the Wickenburg population against Circle S Broadcasting Co., Inc., and its efforts to increase coverage. More important, however, are signatures of local citizens of Wickenburg (Attachment D) in support of Circle S Broadcasting Co., Inc.'s efforts to provide better coverage to Wickenburg.

In view of the foregoing, Circle S Broadcasting Co., Inc., respectfully urges that the Commission summarily dismiss Mr. Kolb's complaint.

Respectfully submitted,

A handwritten signature in black ink that reads "Aaron P. Shainis". The signature is written in a cursive, flowing style.

Aaron P. Shainis

Counsel for

CIRCLE S BROADCASTING CO., INC.

Enclosure



**ATTACHMENT A**

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**IN REPLY REFER TO:  
1800B3-DJF**

September 23, 1993

Circle S Broadcasting Co., Inc.  
801 West Wickenburg Way  
Wickenburg, AZ 85390

**Re: KMBO(FM); Wickenburg, AZ  
Circle S Broadcasting Co., Inc.  
BLH-920922KC**

Dear Licensee:

This letter is in reference to a complaint dated June 13, 1993 filed by Mr. Werner Kolb. Mr. Kolb's complaint alleges that KMBO's operation causes visual pollution and interference to television reception in the city of Wickenburg Arizona.

The type of interference described by Mr. Kolb may be attributable to "blanketing" interference, which can occur to receivers that are within close proximity to an FM transmitter. Pursuant to 47 C.F.R. § 73.318, KMBO is required to resolve, at no cost to the complainant, any interference complaint received within the first year of operation, provided that the complainant is located within the KMBO blanketing contour (115 dBu contour). KMBO's blanketing contour extends 0.5 kilometers (0.3 miles) in radius from its antenna site. KMBO is not financially responsible for resolving interference complaints outside the blanketing contour.<sup>1</sup> However, licensees are expected to cooperate with complainants by providing technical assistance in determining the cause of the problem and providing advice on corrective measures. With this in mind, you are encouraged to deal with any complaint on an individual basis to arrive at a mutually agreeable solution as to the interference problems.

---

<sup>1</sup> 47 C.F.R. § 73.318 states, in pertinent part, that the permittee "... must satisfy all complaints of blanketing interference which are received by the station during a one year period. The period begins with the commencement of program tests.... Resolution of complaints shall be at no cost to the complainant. These requirements specifically do not include interference complaints resulting from malfunctioning or mistuned receivers, improperly installed antenna systems, or the use of high gain antennas or antenna booster amplifiers. Mobile receivers and non-RF device such as tape recorders or hi-fi amplifiers (phonographs) are also excluded." Car radios fall under the category of mobile receivers.

Accordingly, enclosed is a copy of Mr. Kolb's complaint for which KMEO must provide the following information:

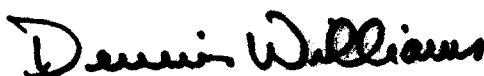
1. Whether or not the interference is in the blanketing area.
2. What types of devices are affected.
3. The dates and description of the assistance provided by KMEO.

The report must contain a map showing KMEO's transmitter site, the blanketing contour (115 dBu contour), and the home of the complainant plotted on it. In addition, your report should include any additional effort to make contact with any other complainant whose complaint remains unresolved.

Regarding the concern of the visual pollution caused by the tower, the Commission believes that local land use authorities, because of their location, experience and awareness of local values, are best situated to resolve land use and related aesthetic questions. GTE Spacenet Corporation, FCC 86-120, (released March 18, 1986), Blair Broadcasting of California Inc., 55 RR 2d 619 (1984). Thus, the Commission accords deference to local authorities' rulings and views in these matters; implementation of National Environmental Policy Act (NEPA), 49 FCC 2d 1313, 1329 (1974). No probative evidence was provided to establish that KMEO(FM) has violated any local land use ordinances and we see no evidence that it violates any of our environmental rules. See 47 C.F.R. § 1.1301 et seq.

Further action on this matter will be withheld for a period of thirty days from the date of this letter to give you an opportunity to reply. Failure to respond within this time period will result in the suspension of program test authority pursuant to 47 C.F.R. § 73.1620(b). Please note that any filing must be submitted in triplicate to the Secretary of the Commission.

Sincerely,



Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

cc: Werner Kolb  
Baraff, Koerner, Olender & Hochberg  
EIC, Douglas Field Office Bureau

Ar

6-13-93

Werner Kolb

P.O. Box 20512

Wickenburg Az 85358

93070904

Secretary Federal Communications

Commission

Concerns:

Radio Station Tower

Wickenburg Az. Docket No. 93-71

AUDIO SERVICES DIVISION

JUN 13 3 30 PM '93

RECEIVED

I want to protest strongly against the erection of this Radio Tower into the scenic, pristine Skyline of Wickenburg. We citizens were not consulted or asked, on a sudden this ugly thing was there. Now there is TV interference.

We Law abiding Citizens seem to have only one hope: the existence of madder than Hell miners with a supply of Dynamite !!

Disgusted,

Werner Kolb

**ATTACHMENT B**

## DECLARATION

Michael David Shumway, local Sales Manager for Station KMEQ, and Sharon E. Shumway, Operations Manager for Station KMEQ, under penalty of perjury, jointly state as follows:

On September 30, 1993, at approximately 10:00 a.m., we visited Mr. Werner Kolb at his residence at 33324 Aguila Drive in Maricopa County. We met with Mr. Kolb to speak with him concerning television reception problems he was complaining were occasioned by Station KMEQ. From Mr. Kolb's residence, we called the station and asked them to cease operations, and plugged in a radio so that Mr. Kolb would see that the station was no longer broadcasting. The reception on his television was unaffected by KMEQ's cessation of broadcast operations. In this regard, he had good reception on Channel 3, but Channels 10 and 12 had shadowing. We noted that Mr. Kolb's residence was at least 50 miles from the TV transmitter. Moreover, his residence is located approximately two (2) miles from the KMEQ tower.

November 22, 1993

  
Michael David Shumway

November 22, 1993

  
Sharon E. Shumway

ATTACHMENT C

**MAP**  
**INCLUDED**  
**IN**  
**ORIGINAL APPLICATION**



73.318 FM blanketing interference.

- Areas adjacent to the transmitting antenna that receive a signal with a strength of 115 dBu (562 mV/m) or greater will be assumed to be blanketed. In determining the blanketed area, the 115 dBu contour is determined by calculating the inverse distance field using the effective radiated power of the maximum radiated lobe of the antenna without considering its vertical radiation pattern or height. For directional antennas, the effective radiated power in the pertinent bearing shall be used.

(a) The distance to the 115 dBu contour is determined using the following equation:

$$\begin{aligned} D \text{ (in kilometers)} &= 0.394(P \\ D \text{ (in miles)} &= 0.245(P \end{aligned}$$

Where P is the maximum effective radiated power (ERP), measured in kilowatts, of the maximum radiated lobe.

S:BCAST10;1sec 73.3181

#### KMEO(FM) Sample Calculation:

$$D \text{ (in kilometers)} = 0.394 \sqrt{1.50 \text{ kW}} = 0.4825 \text{ kilometers}$$

$$D \text{ (in miles)} = 0.245 \sqrt{1.50 \text{ kW}} = 0.3000 \text{ miles}$$

Where: D is the distance to the blanketing contour as defined above

P is the maximum ERP of KMEO(FM) in kilowatts, P = 1.5 kW

73.318 FM blanketing interference.

- Areas adjacent to the transmitting antenna that receive a signal with a strength of 115 dBu (562 mV/m) or greater will be assumed to be blanketed. In determining the blanketed area, the 115 dBu contour is determined by calculating the inverse distance field using the effective radiated power of the maximum radiated lobe of the antenna without considering its vertical radiation pattern or height. For directional antennas, the effective radiated power in the pertinent bearing shall be used.

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P is the maximum ERP of KMEO(FM) in kilowatts, P = 1.5 kW

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S:BCAST10:1sec 73.3181

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$$D \text{ (in miles)} = 0.245 \sqrt{1.50 \text{ kW}} = 0.3000 \text{ miles}$$

Where: D is the distance to the blanketing contour as defined above

P is the maximum ERP of KMEQ(FM) in kilowatts, P = 1.5 kW

## ATTACHMENT D

July/August 1993

Volume 1, Issue 8

First copy free

Additional copies \$50 each

## INSIDE

### Boss Ross.....p 6

Is Ross Potol our shining knight who has come to save us from the North American Free Trade Agreement? Guest columnist Alfred Austin, another writer loaded with talent, thinks so. A must read piece.

### Fighting City Hall.....p 12

Those who fight Town Hall are far from being folk heroes. Are they devils? You bet your britches they are.

### Justine Funn's Comics.....p 8

Another regular and talented contribution. If you've got gas, you paid too much.

### Letters.....p 5

We still get letters. Lots and lots of letters.

### Miss Kitty.....p 10

A scared resident pleads for Marshall Dillon to come save Wickenburg.

### Tears of Pride.....p 3

An emotional, patriotic article written by one of our most talented guest columnists. Another must.

### Town Attorney Denies Star Public Records.....p 6

Town Attorney floes his muscles and challenges the Star. Does Potol have a point?

### Underground Services.....p 9

Fast cell system is coming to Wickenburg. A refreshing alternative to dangerous and dilapidated Grand Avenue.

### What Went Wrong?.....p 4

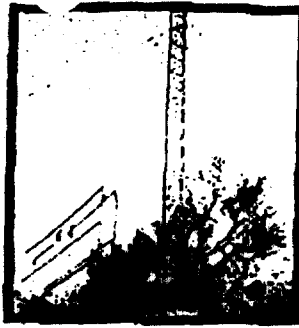
The "Mating Pot" experiment has run amuck. A liberal argument for assimilation. Controversial? You bet.

### Where is Jack?.....p 1

Shumway's second ugly tower. Many residents would give Jack the horn that lays the golden eggs if he can find a way to keep Giant Shumway's metal stalk from going up, or will Harold take his advertising money bag to Phoenix?

### Wittmann - Where Kids and Dogs are Welcome.....p 9

Rock Delt is our latest guest columnist. Rock's rich tales of Wittmann will be a regular feature. Is Mr. Delt another Mark Twain? He has talent to spare.



## Second Radio Tower No Done Deal Several Other Battlegrounds

by E. T. Fontini  
Staff Writer

Circle S Broadcasting Company, operated by Harold Shumway, is attempting to beam an FM radio signal to cover much, if not all, of the Valley of the Sun.

Circle S operates KTEM AM and KMEO FM from its studio on West Wickenburg Way. Shumway lives in the building that houses his studio.

First attempts to saturate the Phoenix metropolitan area with his FM signal did not live up to Shumway's expectation. Producers and several well-known radio personalities relocated in the Wickenburg area, only to be later terminated by Shumway.

There are rumors that Shumway and Circle S are, or may be, named in one or more lawsuits.

The existing tower is constructed on government-owned land and subleased by Circle S. It is located on South Vulture Mine Road less than three nautical miles from the Town's Municipal Airport on a location known as Hospital Hill.

Please see **NO DONE DEAL**  
page 2

# TRI-COUNTY STAR

## Where is Jack When We Need Him?

By Art Agco  
Staff Writer

Other articles in this edition explain about Circle S Broadcasting Company, owned by Harold Shumway, which is trying for permission to construct an eight hundred and forty-foot radio tower near Vulture Peak.

Harold wants to reach the Valley of the Sun with his FM signal so he can sell advertisements. Enough ads transmit into gold, thinks old Harold. Never mind KMEO's present signal from his FM station will reach Wickenburg and the surrounding area.

If Wickenburg people listen to KMEO, they could very well be enticed, by - say - a Mesa ad, to buy more things in the Phoenix metro area. How is that for a good Wickenburg citizen? Listen to my station's advertisements and if you hear about something you want, head off to Phoenix and buy it.

Tell 'em Harold Shumway sent you. The last time Harold built a radio tower in the Wickenburg area Julie Brooks, Director of the Chamber of Commerce, got up at a Council meeting and supported Harold's tower.

Please see **WHERE IS JACK?**  
page 2

Dear Editor:

As a 48-year Wickenburg resident, I think it despicable that several of our local citizens attempt to suppress freedom of speech by threats and intimidation.

It recently came to my attention that some businesses in Wickenburg were notifying advertisers in the Tri-County Star that they would no longer do business with them unless they stopped advertising in your paper.

Isn't that what Hitler and others tried to do? Keep the news from getting out? Stop the free press and control the news? This is a very scary thing and to think that this is being attempted in our very own town.

I, for one, am going to telephone each and every advertiser in the Star and let them know that I will be happy to do business with them.

Dora Mae Jensen  
Wickenburg

Dear Mr. Jensen:  
Thank you.

W. G. "Bill" Farrow, Editor

## Star Will Put Kevin Klown on Loan to Wickenburg Sun

by E. T. Fontini  
Staff Writer

We at the Star have been called coldhearted. We have been called biased. We have been called bad for Wickenburg. We have been called names much worse than this.

Words we can't print.

Some people claim we are against the Wickenburg Sun. Really. I'm not making this up.

We are like Rodney Dangerfield. We don't get no respect.

We went back through all our letters to the editor. Back through all our phone messages. Some of those are unprintable too.

So far no one has said we lack compassion. Because it wouldn't be true. We are the most compassionate newspaper in this neck of the woods.

We just received our first Press Club Award. It was for showing compassion. I'm not making this up either.

W. G. "Bill" Farrow, Editor

the presenter, his mother, his brothers, his sisters, his cousins, his mistress, his mistress' daughter, his lawn service man, his housekeeper (actually the same person as his wife), the Great State of Arizona, Saddam Hussein, Boris Yeltsin, Joanne Corio, Helen Hofstra, Larry Ronch, Doc "Pretty Boy" Garcia, his wife's unborn child, his proctologist and several dozen others too numerous to mention.

I'm not making that up. Gawk took two weeks off, he was so excited. So touched by the award his fellow journalists had bestowed upon him.

Gawk went to Black Beach in California and gawked for two solid weeks.

Now our compassion runneth over. We want to help our sister, the Wickenburg Sun. This is real hard, folks. How do we offer our help without implying they at the Sun need help? It gets real touchy.

Our Board of Directors said, "Whatever we do, don't embarrass the Sun. That's be-

diplomatic. Let the Sun know where our heart is."

It has finally come to a point where we have no choice. People are laughing at the Sun. No one - no newspaper - would let this happen without trying to fix things so the people will quit laughing at the Sun.

It all came to a head in the Sun's July 14th edition. The Star was unable to get the story on the lawsuit trying to stop the recall against Vice-Mayor Williams. The Town Attorney shut us out. We don't have much compassion for him. In fact, we hope he gets lost. (I'm glad I said those things about Craig after the awards dinner. Or we would not have gotten the award.)

Anyway, we just read, or rather tried to read, the story in the Wickenburg Sun. Did we get confused or what?

Please see **KLOWN ON LOAN**

Page 2

WICKENBURG  
US POSTAGE  
PAID



2 • JULY/AUGUST 1993 • TRI-CC (STAR

## When You're in Town and Have Nothing to Do or See



## Visit Historic Vulture Mine

377-0803

summer schedule 8 A.M. to 4 P.M.

Open Fri-Sat-Sun until mid-Sept

Wickenburg, Arizona 85338

## Where is Jack?

Continued from 1

Julie said that this was economic development at its best. The *Star*, when it first reported on this, pointed out that yes, it was economic development. And at its best.

The problem was, as the *Star* pointed out, it was economic development to benefit Phoenix, not Wickenburg.

But from what we now know, the FM station Harold will use this monstrosity for as far as the signal all over the Valley of the Sun.

One of the opponents who spoke on this subject at a recent Council meeting observed that with a tower 841 foot and the waltzway Shumway proposes, the whole State will be able to hear KMPH.

And that translates into the whole State hearing the station's ads for products and services sold only in the Phoenix metropolitan area.

How does this new tower help Wickenburg? It doesn't.

How does it hurt Wickenburg? A number of ways. Wickenburg people will be enticed to buy goods and services in Phoenix instead of from Wickenburg businesses. The tower will sit on a piece of land already hundreds of feet above Wickenburg. It will mar the view of Vulture Peak.

And some claim it will interfere with TV reception, especially Phoenix Channels 8 and 10. Maybe others.

It will create a hazard to aircraft who are not expecting such a high, man-made structure in the high desert.

Whether the Council will have the guts to oppose it all the way is yet to be seen.

On the first go around the Mayor, the

and Little voted to oppose the tower. That was enough.

But with Councilwoman Little gone, what will happen when the matter comes before Maricopa County Planning and Zoning for a special use permit?

From the previous vote, Wickenburg residents cannot expect any help from Councilmen Garcia and Roberts. They declared a conflict of interest the first time, but nobody we spoke with could figure out why they declared a conflict. They were probably helping out their buddy who works a little for the station.

"What is needed," said one long-time visitor to Wickenburg, "is little Jack from Jack and the Beanstalk. Before Shumway can collect his gold from his Phoenix advertisers, maybe we can talk to little Jack and get him to chop the thing down."

"Otherwise Harold Shumway is going to have the hen that laid the golden egg." A local environmentalist was heard to say we need to read Dave Foreman's book on monkey wrenching. Monkey wrenching is a technique used first by the group Earth First.

The term comes from using monkey wrenches and a myriad of other items to sabotage environmentally obtrusive electric towers and road equipment.

Foreman was adjudged guilty in Prescott last year after it was alleged he conspired with others to use welding torches to cut down towers holding up electric transmission lines.

Will a modern-day Jack come along and cut the tower down? We hope not because we don't condone illegal activity. Harold Shumway had better hope that there is not some Jack out there ready to destroy his tower and take from him the hen that laid the golden

## Star Editor Hospitalized

by Madgie Ruebeck  
Staff Writer

Wickenburg...Tri-County *Star* newspaper editor W. C. "Bill" Farrow has been hospitalized in Scottsdale, Arizona, the victim of severe heart trouble.

Farrow, who has brought wide acclaim and statewide recognition to the *Star* since joining the publishing company in February of this year, was in stable condition, but as you will see in this edition, is able to contribute articles on a limited basis. Farrow's unique humor and wit has been noticeably absent from recent *Star* publications since his first illness in late April.

Since taking the helm of the *Star*, Farrow has taken what some believed to be only a temporary political tabloid to a viable monthly publication with broad circulation and a solid financial base. Over-whelming reader and advertiser acceptance recently prompted Farrow to project that the *Star* would quickly become a weekly newspaper. A great many believe would rival and even surpass other longtime local publications.

We at the *Star* sorely miss Bill Farrow's energetic contributions and professional journalistic talents and wish him a speedy recovery and an early return.

## Klown on Loan

Continued from 1

Kevin Turner starts off calling attorney Eileen McGuire the plaintiff. Then he calls attorney Gary Klahr the defendant. He printed that Gary and Eileen testified. Really. I'm not making this up.

And all this was just in the second paragraph of his piece.

Later he quoted the judge as saying that there was a concern that none of the parties in the lawsuit had an interest in seeing the recall go forward. I bet B. J. didn't know that.

If I had been there, I would have asked his honor what the hell are we doing here if nobody wants the Vice-Mayor to stand in a recall election. And his honor would have put me in jail. I guess for asking such an obvious question.

It gets better, folks. On page 8, Turner says "several witnesses were called to testify for Klahr. I sure hope they said something nice about him, for Lord knows seldom does anyone testify for Klahr, much less say something nice about him. In short - it sure hurts me to have to say this but - Kevin screwed the piece up royally. When Turner screws up, which is all the time, he does it "right." Or is it "wrong." Never mind. Just don't mention this to him. I couldn't stand to hurt the little guy's feelings. He is still suffering from post-traumatic syndrome from his trip to Oz. I understand he visits DocDoo's grave, sometimes twice a day.

I'm not making this up. Why would I do such a thing?

Anyway, the *Star's* Board of Directors met. Turner's article was passed around. There were tears in the eyes of all the Board. "I feel so sorry for the Sun," said the Chairman. "Sorry for Turner, too. Has anyone got a suggestion?" Board Member Gung Ho, from Singapore, proposed to loan the *Sun* our ace reporter, Kevin Klown. Klown can practically live with Turner until he gets it right.

"I move that we loan Kevin Klown to the *Wickenburg Sun* for as long as it takes to help their reporter, Kevin Turner, learn to write articles without mistakes," said Ho.

"I'll second that," said Board Member Al Ways Right.

"Any discussion," asked the Chairman.

"Yes," said C. I. Love, the youngest member of the Board. "We gotta show compassion. That's what the *Tri-County Star* stands for. I'm all in favor."

After a unanimous vote to loan Klown to the *Sun*, the Board Meeting was adjourned. Members could be seen wiping tears from their eyes as they filed out of the Board Room. Grown men crying. Grown men with so much compassion for their competitor. I'll tell you, it was a sight to see.

Editor's Note:

*Black Beach in California is famous for the nudity of those swimmers and sunbathers who frequent it.*

## No Done Deal

Continued from 1

In attempting to get the FM signal to the Phoenix metro area, Shumway applied to the Federal Communications Commission for the right to broadcast on much higher power. FCC believes it to be more feasible to send the signal from a higher tower.

Rather than increase the height of the existing tower, there are plans to construct a second tower further south and much closer to a well-known landmark, Vulture Peak.

Wickenburg's Town Council initially voted against the first tower. After the Airport Advisory Commission recommended to the Council to oppose the second tower, the Council voted to oppose it and notified both the FCC and the Federal Aviation Administration of its opposition.

Two councilmembers, Garcia and Roberts, abstained from the vote, and Councilmember Peterson declared a conflict of interest based upon the fact he is employed by Circle 5. Peterson subsequently wrote a letter to the FCC on Thursday.

Vulture Peak Restoration Group also opposes the second tower and would like to have the present tower removed.

If the Town of Wickenburg and Vulture Peak Restoration Group are not successful at the FCC and the FAA level, they are expected to oppose the land acquisition process. They are also expected to oppose zoning for the tower.

The sites of both towers are not zoned for such use. Maricopa County Planning and Zoning Department issued a special use permit to Circle 5 for the present tower on Hospital Hill.

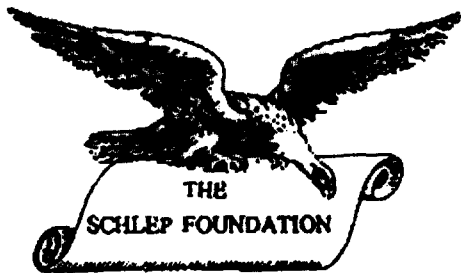
Before construction of the second tower, the same agency will have to grant another special use permit.

According to observers, the second tower is far from a done deal. If the Vulture Peak group and the Town oppose Circle 5,

there is a chance Circle 5 will have to move its operation to the Valley if it wants advertisers in Phoenix, Tempe, Glendale and perhaps Mesa.

"I suspect Circle 5 is in for a rather long and hard fight," said one veteran observer. "I would have to think the Vulture Peak group is capable and willing to spend a considerable amount of money to fight this."





States Council on Humanitarianism, Leadership, Ethics, and Principles  
152896 Michigan Avenue S.W., Washington, D.C. 21125

We are in receipt of a letter, sent anonymously, by a "concerned" citizen of your beloved Town. The author of this letter has asked our organization to investigate three members of the Wickensburg Town Council regarding their ethical conduct as elected officials. The three members, Adolph "Doc" Garcia, Larry "Roach" Roberts and R. A. "Pete" Peterson, we have determined, make a fantastic case study for our organization. However, before I proceed, let me introduce our organization.

SCHLEP was founded in the early seventies virtually at the height of the Watergate Scandal. For the most part, the founding fathers responsible for the genesis of the organization will forever remain anonymous. I can, however, identify myself, and say that the founding fathers were involved in one way or another with the Watergate affair. SCHLEP was founded with the sole purpose of exposing corruption and destructive power-starved people acting as "rotten representatives." And unfortunately, this organization has been deluged by requests from private citizens to investigate potentially political unethicalness and downright illegalities in localities all across the country. Since our beginning, we have exposed and forced over 1,000 public representatives across the country to resign because of unethical and ultimately illegal activities. This leads us to the request made by a citizen of your community, who wishes to remain anonymous, for fear of a potential "death threat" made by supporters of your councilmember Peterson.

We have reviewed the situation in Wickensburg, and see a beautiful gem in the desert Southwest being utterly ruined by the likes of the three councilmembers mentioned above. However, we have observed that Mr. Peterson is really the band leader, the evil knave. Thus, Wickensburg has become the

idea for a soon-to-be-published paper, Senior fellows in our Foundation have decided to author a paper focusing on the debacle in your community. Some early title suggestions for the paper have included, "Democracy's Failure: How Mittels, the Unemployed and the Disadvantaged Got Elected," or "The Big Lie, How to Beware a Community (excerpts from David Korsch and Pete Peterson)" or "How to Get Elected in Local Government. Even if You Still Owe the IRS." Prior to publication, we wanted to notify our reputable brethren, the Tri-County Star, of our intentions and interest with Wickensburg's disgusting politics. However, in the meantime, I have attached a specialized Wickensburg Town Council Application for your use (you may find it necessary to post it along to the Town's Personnel Office to have it incorporated into a formal application procedure for future councilmembers).

You see, it is imperative that society hold public officials accountable, and scrutinize elected officials when it is painfully obvious they are unfit (and in Mr. Peterson's case, borderline insane) to represent better judgment and what is right. Fortunately, Wickensburg infested with your publication's boldness, verifiable accurateness and unwavering search for the truth. For the sake of your community and for local governments everywhere, continue exposing the deceitfulness and the sad truths.

Sincerely,

Sean Theo Lyte  
Executive Director

ATTACH: Wickensburg Town Council -  
Employment Application

Case 93.0256  
bt:STL

Editor's Note:  
Wickensburg Town Council - Employment  
Application is reproduced on page 6

## Enjoys Monthly Satire and Parody

Please sign me on for a one year  
subscription. I enjoy the monthly satire and  
parody.

Sincerely,  
Samuel K. Weinschenk

Subject: Fuel Conservation

I use the Wickensburg Star and sister  
newspaper the Tri-County Star for fuel starter  
for my barbecue grill.

## All Of Us "Social Dropouts"

This is a response to Blocked-In "Social  
Dropouts," whoever you are.

My husband, I and two grandchildren  
live at Whispering Ranch also and we never  
felt blocked in or as a "Social Dropout."

One thing they were right about was  
when Patton Road was flooded and washed  
out, it did make a problem but not one that  
couldn't be handled. We had no problem  
getting in or out by going the back way  
through the west side of Whispering Ranch.  
It took us longer to get our business taken  
care of, but a lot of the people went in and out  
that way every day.

As to what they are calling the Cardron  
Highway extension, I've never heard of it  
being a way to get out, nor do I know where  
it is, but for the year we have lived here and  
the two years before when we came out to  
visit, we have never been blocked in by fence  
or gate.

The cattle ranchers do put up fence and  
gates to keep the cattle off the roads, but that  
is for your safety as well as the safety of the  
cows. But we have never been told not to  
open the gates as long as we closed them  
behind us, and there are very few roads out  
here that we haven't been on.

We have a lot of friends out here who  
don't feel blocked in or as a "Social Dropout."  
We do have some inconveniences, but most  
think it is well worth it not having to put up  
with drive-by shootings, gangs and the rest  
of the things that go on in the cities. Guess  
that makes all of us "Social Dropouts" to  
some extent.

If you are so miserable and feel blocked-  
in and a "Social Dropout," maybe Whisper-  
ing Ranch is just not the place for you.

Mary Ellen Clark  
a Whispering Ranch resident

## Exposing Problems in School District

Sometime ago I wrote you regarding  
accepting an editorial in your publication.  
For whatever reason, I did not receive a  
response.

In your April issue there are two articles  
relative to the problems in the Wickensburg  
School District.

I attempted to expose the problem during  
the last election. I was restrained from doing  
so by the School Board, the school board  
forum committee and by the Wickensburg  
Star.

I am very glad to know others in the  
community share my concerns.

Accordingly, I am enclosing an ad copy  
which I wish placed in your paper. A check  
covering the cost of the 5" x 8" ad is enclosed.

Thank you.

Waltis Keys (Bill) Dick

## Curing Ills of the Town

Enjoy the Tri-County Star. You are  
right on most issues in Wickensburg. You  
need to do an article on how to cure the ill  
of the town. Starting with town leaders and  
CC leadership.

Enclosed is money order for ad and  
subscription.

Thank you,  
John Osborne

Are Our Police Officers  
Being Abused by Blame?

As the Tri-County Star will work to make  
Wickensburg a better place to live, a more  
lively place to get primary and secondary  
education, and a place where business and

## Tower Would Increase Your TV Interference Problems

*The following letter was mailed  
to the Star three times. No  
print???*

While some find the new RADIO  
STATION TOWER unattractive, that may be  
the least of its problems. In my opinion,  
there are several technical concerns with it as  
well.

First: The KTMM (AM) station has less  
range than the old one in some areas due to  
the poor "Grounding" effect of the soil at the  
new location. The wet river bottom was a  
much better "Ground."

Second: The new hill is not high enough  
for the FM station to reach the larger Phoenix  
area target markets. As a result the KFMA  
(alternative rock) station failed.

Third: If you have interference on your  
TV channels 8 or 10, you may be experi-  
encing a "Distortion" caused by the  
KMEQ (FM) transmitter being so close to  
town. This is especially true if you have a TV  
antenna BOOSTER. It is the radio stations'  
responsibility to correct any interference they  
may cause. If you cannot get satisfaction  
locally, you may want to contact the local  
FCC office, P.O. Box 6, Douglas, AZ 85606  
(Stephen Tsaya, Engineer in Charge).

And Fourth: Circle S Broadcasting has  
asked the FCC to change its rules so that  
KFMA (FM) can either increase its power to  
25 Thousand Watts or raise its tower to  
841 feet! This would surely increase your  
TV interference problems, and the tower's  
height would be visible for a LONG way. If  
you wish to express your opinion on this to  
the FCC, write to:

Secretary  
Federal Communications Commission  
Washington, D.C. 20554

and refer to Docket No. 93-71.

A copy of your comments should also be  
sent to the Circle S lawyer:

Aaron Shainis  
Barak, Koerner, Olander & Hochberg  
5335 Wisconsin Avenue, N.W.  
Suite 300  
Washington, D.C. 20015

Thomas Martens  
Wickensburg

## Role of the Press

The Tri-County Star has a goal to be a  
responsible corporate citizen. Part of being a  
good citizen is to ask questions no one  
else dares to ask, to expose corruption in  
the government, to keep the people  
informed, and to act as an honest observer  
of what transpires.

To do less would amount to an abdica-  
tion of the duty of a newspaper. Exposing  
corruption and telling things like they are  
may seem to some, in the short run, as  
community destruction. Over the long run  
there is an opposite effect. Community  
leaders will become responsible and  
accountable to their constituents when they  
know their actions, their votes and their  
leadership, or lack of leadership, is being  
constantly and closely scrutinized.

In the role of close observer and some-  
times critic, the Star will work to make  
Wickensburg a better place to live, a more  
lively place to get primary and secondary  
education, and a place where business and

**TRI-COUNTY STAR**  
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Suite 1000  
Phoenix, AZ 85016

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Editor: W. G. "Bill" Panow  
Staff Writers: Art Agon  
S. T. Pantel  
Kevin Klone  
Kevin Klone  
Madgie Ruebeck  
Competition: Jack McMarrow  
Office Manager: W. E. Guek  
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and parodies that are not to be taken  
either seriously or literally. Any  
memberships in real persons places or

February 1993

TRI-COUNTY STAR

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## A Bird? A Plane? A Mirage? No, Just A Tower

Art Agre, Staff Writer

In the movies there are scenes of thirst-starved, near-death desert travelers crawling in tattered clothes towards elusive water. (Ultimately this stricken soul spots something tall, sometimes palm trees in a distant oasis, only to learn that his eyes deceived him.)

It is not a palm tree after all. It is not even an oasis. It is nothing more than an optical illusion, a reflection of some distant scene in such a way as to give the impression that it is near. It is nothing more than a mirage — a disappointment.

Wickenburg residents and tourists alike are treated to an equal disappointment in the surrounding desert. It, unfortunately, is not a mirage, though most wish it were.

This area in the desert doesn't even resemble the beauty of a palm tree. This scene on the landscape is not an illusion set to go away when the angle of the sun changes. It can even be seen at night.

This thing protruded 499 feet and, not just from the desert floor, but from atop of "Hospital Hill." It can be seen — more appropriately, one cannot help seeing it — from miles around.

In many locales, if one wishes to enjoy the sheer beauty of Vulture Peak, your wishes will go for naught. It stands, Hospital Hill and 499 feet high. It is in your vision of Vulture Peak. It is not just lucky, it is ugly.

The Chamber of Commerce claims as its major goal, the attraction of tourists to the area. The tourists are attracted here, according to Chamber literature, to enjoy the sheer beauty of this unspoiled desert.

Unspoiled, that is, until Circle S Broadcasting decided to erect this monstrosity to the sky. Who is Circle S? Some of you may know it as KTUM Radio. Some may know it as Harold Shumway. Some may even know it as an employer of Councilman Pete Peterson.

What you may not know, it is, in fact, KPMA, FM 93.7 on your radio dial. Haven't heard it? You, the local businessman, do not advertise on it? If you answer no, it is because it is designed — that is planted smack dab into the middle of "an envelope" as Harold likes to say, on Hospital Hill, with Phoenix listeners in mind.

Why would a radio station want Phoenix listeners? To sell advertisements in the Valley of the Sun where the listeners are.

Importing some products originating in Wickenburg is good, you say. What if it is advertising dollars? Shumway encourages its KPMA listeners to spend their money in Phoenix. This is worse than leakage, a term Julie Brooks of the Chamber uses to describe money spent by Wickenburg residents in some other community.

When Maricopa County Planning and Zoning sought input and a recommendation from the Wickenburg Town Council in December of 1991, Chamber Director Brooks suggested during the Council's discussion that "the radio station is economic development at its finest." And Julia is right. It is economic development at its finest — for Phoenix.

the view of the tourist and townspeople alike. Then as insult to injury, its owner lures Wickenburg and Phoenix dollars to the Valley.

And what of its danger to aircraft? Federal rules recommend that structures of the height of the tower be located at least three nautical miles from an airport. Mr. Shumway's tower is only two and eight-tenths nautical miles from the Town's only airport.

Dave Gilbertson and Associates, the Town airport consultant, and the Town Attorney both objected to erection of the tower. "If the council goes on record of approving this tower," argued the Town Attorney, "and there is an aviation

## Brooks Bull-A- Rama Stand Pure Bull

An item on the council's January 18th agenda brought a strong response from the Director of the Chamber of Commerce. The Chamber, through Julie Brooks, objected to what promises to be a crowd-drawing event.

Charlie Naaser, of Charley's Steak House, sought an Extension of Premises liquor license use. Such requests are generally routinely granted.

Trouble was, Charlie is wanting to sponsor Bull-A-Rama, a toned-down rodeo that all ages can enter. In the era of the family, his request seemed to be consistent with family entertainment.

So what happened? Director Brooks got all beat out of shape because no one asked her and received her blessings. The Chamber sponsors Gold Rush Days, she reasoned, and what the Chamber sponsors is all the public is entitled to see.

Never mind that those traveling, professional and amateur, bull riders draw their own blend of folks. Enough is enough, argues Julie. We only need people to attend Gold Rush Days that the Chamber entices.

Bull riders, sheep-riding youngsters and their family and friends will no doubt have to eat while in town. Maybe they will visit the concessionaires at the Arts & Crafts show. Some might even drift down to the Community Center, eat some food and enjoy the carnival rides.

Who knows, some could buy some jewelry from Frontier or Danay's, some Mexican imports from the Refined Bean, some boots and hats from Johnson's Western Wear, some blue jeans from Double D, a saddle from Ben's, a dress from the Little Red Hen, some Mexican food from The Ricardo's Amigos and La Casa Alegre, get their car fixed at Joe's Transmission or Sun Tire and Auto Center, see a movie at the Wickenburg Theatre, and if they mess their clothes up at the Bull-A-Rama, get them washed at Speed Wash Laundromat.

One would think the expenditure of tourist dollars for some or all of the foregoing would be a boost to the local and visiting vendors. One should also think that is the Chamber's goal.

But if you come to Charlie's

accident resulting from a low flying aircraft, the Town may very well suffer liability."

South Mountain already accommodates numerous radio, television and microwave towers, all serving the Valley of the Sun. One more would not have been noticed. But Harold Shumway, an outsider, along with Julie Brooks, an insider, were successful in cramming this monster down the throats of the Wickenburg residents.

*Editor's Note: The tower in question was not necessary for KTUM's AM reception. It was operating loud and clear before the tower was erected. Remember Pete Peterson's Monday morning "commentaries!"*

## Mine

From Page 5

or where the cyanide went. But don't worry, Gary Fletcher, the author of Newsday's Draft EA, assured us at our June 12th public meeting that a little cyanide wouldn't kill us, we eat it in canned corn everyday.

Residents were concerned about the water needs of the mine depleting their wells. Department of Water Resources informed us at a public meeting that the mine could pump residents' wells dry, LEGALLY. But at our July 8th public meeting,

residents from Congress, in support of the mine project, informed us how else the Congress Mine was to install a Water Tank for their community's water needs. I don't mean to sound ungrateful, but I happen to like the water from my own well.

Throughout this controversy, BLM has informed us that Newsday has many environmental regulations to adhere to, preventing unnecessary and undue degradation of the land. This would normally console a frightened public. At the last BLM Advisory Council meeting, the public asked BLM representative, Paul Buff, what guidelines BLM uses to determine what is unnecessary and undue degradation. Mr. Buff explained that BLM looks at a sample of mine operations and any activities outside the normal mine operations is considered unnecessary and undue degradation. The question was then posed to Mr. Buff, "Then it can be safe to say that BLM allows the mining industry to set their own standards?" Mr. Buff's reply was, "No comment." We are more fearful than ever. BLM obviously allows the mining industry to set the standards that safeguard the public. Something like the wolf guarding the sheep.

Back to the water. Newsday proposes to use the Best Available Data & Current Technology (BADCT) which is all ADEQ requires they provide to be permitted. The fact that this technology has failed in recent history, and water contamination still occurs, is not a deciding factor. The fact that residents very familiar with the mine site can demonstrate why Newsday's technology will also fail, is not a deciding factor

Turn To Page 9

## RANCHO BAR 7 Restaurant

### Gold Diggers Special Killer Steak

Potatoes, Lots of Tomatoes  
and way more than you can Undertake!

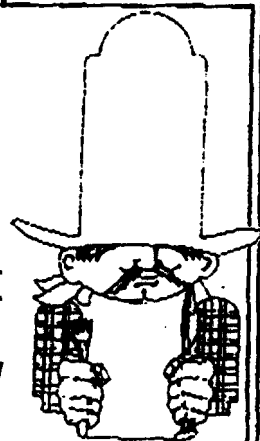
If you need to know the price, you can't eat it all!

111 E. Wickenburg Way

(at the only traffic light so far!)

684-2492

Recommended by Henry Wickenburg  
(deceased)

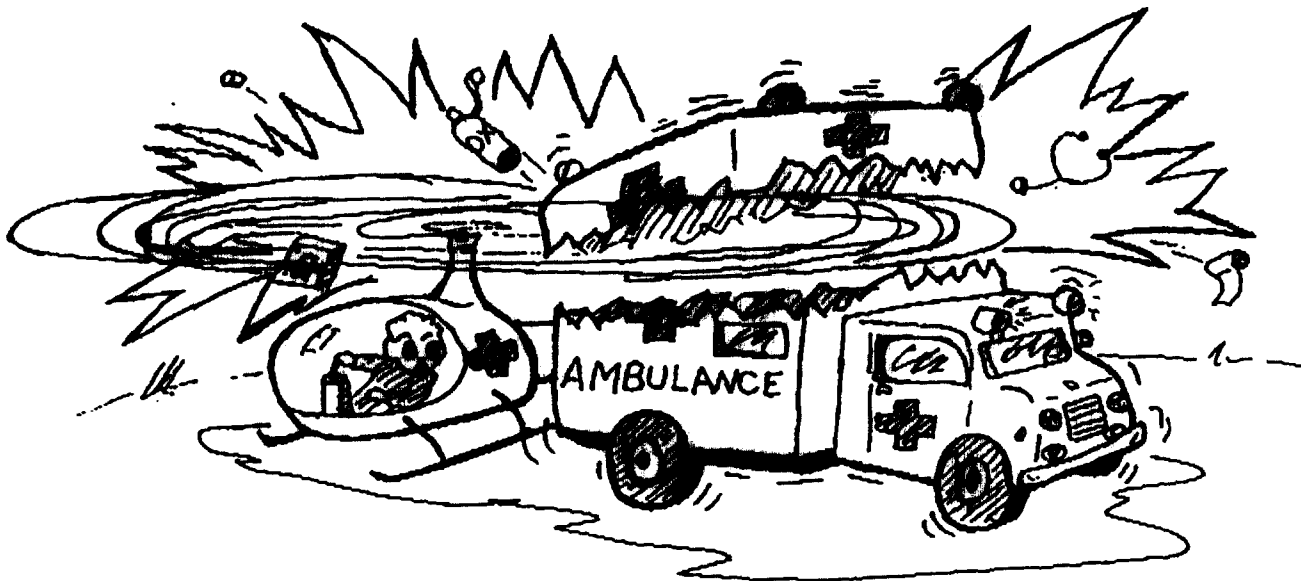




March 1993

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## Police Blotter

Maricopa County Sheriff's deputies caught two ex-convicts stretching a giant condom over Harold Shumway's radio tower. After receiving their Miranda warnings, the two confessed, saying "they thought it the appropriate object over which to put the prophylactic. It was Harold's erection - of the tower that made us angry."

After their arrest, the two were taken to a

local motel and questioned for 84 consecutive hours, a technique learned from their former boss, ex-sheriff Tom Agnes.


During questioning the pair said, "this was not a criminal act. It was symbolic. At first we had intended to stretch the item over Harold Shumway, owner and operator of KTM and KM50-FM radio stations. Our fear was, which actually changed our minds, Harold might suffocate and we thought this would not be a very dignified way to die. Also if Harold died, a few people might not recognize Shumway in each garb if the castle were opened at the funeral.

Officer Brinkman was disciplined by being required to do 30 pushups while singing, "Somebody Stole My Car." The Chief caught Brinkman flashing his overhead lights every time he went by a certain beauty shop.

Officer Black, whose wife is expecting, often attends Lamaze classes without his wife. Mrs. Black works for the Town and is not able to attend many of the classes. When Mrs. Black is unavailable, Officer Black practices on Officer Newton and Sgt. Madrid. "Problem is," said Owen, "Gary and Ruben both crave pickles and are getting too heavy to push."

**TWO FOR ONE.** A couple or three months ago, Wickenburg's Ambulance Service responded to a suicide call. Upon arrival, a medical helicopter was at the scene. The ambulance driver was so frustrated, having been beat to the scene by the helicopter out of Phoenix, that she attempted suicide by backing her ambulance into the rotating blades of the helicopter. She was even more frustrated when she learned she survived but the helicopter did not survive the collision.


**Recall Everyone!**




# Tara's

**Fun Floaters**


Scarf Clips  
18 Types




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
**Wood Carvings**  
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**Columns**




**Indian Masks**  
by Mark Purdie




**Sensuals Voices**




**Indian Artifacts**  
by Peter




**Tapers**




**Decorative Candles**  
by Bruce



**Koko Pottery**  
by David Corbin



**Beaded Cords & Garlic Wall Hangings**  
by Mark



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